

REMARKS/ARGUMENTS

Claims 1-51 are pending in the present application. In the Office Action mailed September 21, 2005, the Examiner rejected claims 1-3, 6-20 and 23-51 under 35 U.S.C. § 102. The Examiner also rejected claims 4, 5, 21 and 22 under 35 U.S.C. § 103.

Reconsideration is respectfully requested in view of the following remarks.

A. Specification

The Examiner objected to the abstract of the disclosure. The abstract has been amended to address the Examiner's objection. Accordingly, Applicants respectfully request that the objection to the abstract be withdrawn.

B. Claims 1-3, 6-20 and 23-51 Rejected Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3, 6-20 and 23-51 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2001/0037248 to Klein (hereinafter, "Klein"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Klein. Klein does not disclose all of the limitations in these claims.

Claim 1 is directed to a method that is implemented by an identification tag reader. The claimed method comprises:

reading a first identification tag that comprises an instruction to form a logical connection with a computing device;
using address information associated with the computing device to form the logical connection with the computing device in accordance with the instruction;
obtaining data; and
transmitting the data to the computing device via the logical connection.

Klein relates generally to "a method for obtaining warranty registration of products, facilitating return of lost products, and expediting warranty service on defective products." Klein, paragraph [0013]. Klein discloses "providing a unique identifier on or within each product." Id. The unique identifier is "supplied in an RFID, which is embedded in the label" on the product. Id., paragraph [0016]. A person who finds a lost article "will deliver the product to a return location where a return agent can automatically access the unique identifier, preferably by use of an RFID reader apparatus and accessing an online database, thereby facilitating identification of the owner and owner address whereupon the lost product can be returned by the return agent." Id., paragraph [0015].

Klein, however, does not disclose "reading a first identification tag that comprises an instruction to form a logical connection with a computing device," as recited in claim 1. Klein discloses "embedded RFID information" in a product label. Id., paragraph [0020]. However, this RFID information does not "comprise[] an instruction to form a logical connection with a computing device," as required by claim 1.

Klein states that a "typical RFID label carries a unique customer ID number embedded in a computer chip." Id., paragraph [0025]. Klein also discloses that an RFID label may include "product identification information." Id., paragraph [0020]. However, neither a unique customer ID number nor product identification information is "an instruction to form a logical connection with a computing device," as required by claim 1.

In the Office Action, the Examiner asserts that "Klein discloses a RFID label (tag) that contains printed information and electronically stored and transmittable information." Office Action,

page 2. Even if this assertion were correct, "electronically stored and transmittable information" is not "an instruction to form a logical connection with a computing device." If the Examiner maintains the rejection, Applicants respectfully request that the Examiner specifically point out which portion of Klein discloses "an instruction to form a logical connection with a computing device," as recited in claim 1.

Klein also does not disclose "form[ing] the logical connection with the computing device in accordance with the instruction," as recited in claim 1. Klein discloses "reading embedded RFID information" and "communicating it to a ... central computer server." Id. However, Applicants could not find any portion of Klein which discloses that a logical connection is ever formed between the RFID reader and the central computer server, or any other computer. Moreover, even if the teachings of Klein could be interpreted to mean that a logical connection is formed between the RFID reader and a computer, Klein certainly does not disclose that the logical connection was formed in response to "reading a first identification tag that comprises an instruction to form a logical connection with a computing device," as recited in claim 1. Klein simply does not contain any teaching whatsoever related to establishing a logical connection between the RFID reader and a computer.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from Klein. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2-3 and 6-17 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claim 18 is directed to an identification tag reader. The identification tag reader includes a processor, memory in electronic communication with the processor, and instructions stored in the memory. The instructions are executable by the processor to implement a method that comprises:

- reading a first identification tag that comprises an instruction to form a logical connection with a computing device;
- using address information associated with the computing device to form the logical connection with the computing device in accordance with the

instruction;
obtaining data; and
transmitting the data to the computing device via the logical connection.

As discussed above, Klein does not disclose "reading a first identification tag that comprises an instruction to form a logical connection with a computing device," as recited in claim 18. Klein also does not disclose "form[ing] the logical connection with the computing device in accordance with the instruction," as recited in claim 18. Accordingly, Applicants respectfully request that the rejection of claim 18 be withdrawn.

Claims 19-20 and 23-34 depend either directly or indirectly from claim 18. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn for at least the same reasons as those presented above in connection with claim 18.

Claim 35 is directed to a method that is implemented by an identification tag reader. The claimed method comprises:

reading a first identification tag that comprises an instruction to form a logical connection with a computing device and to send subsequently read data to the computing device via the logical connection, wherein the first identification tag also comprises address information associated with the computing device;
using the address information to form the logical connection with the computing device in accordance with the instruction;
reading a second identification tag that comprises data; and
transmitting the data to the computing device via the logical connection.

As discussed above, Klein does not disclose "reading a first identification tag that comprises an instruction to form a logical connection with a computing device," as recited in claim 35. Klein also does not disclose "form[ing] the logical connection with the computing device in accordance with the instruction," as recited in claim 35. Accordingly, Applicants respectfully request that the rejection of claim 35 be withdrawn.

Claims 36-39 depend either directly or indirectly from claim 35. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn for at least the same reasons as those presented above in connection with claim 35.

Claim 40 is directed to an identification tag reader. The identification tag reader includes a processor, memory in electronic communication with the processor, and instructions stored in the memory. The instructions are executable by the processor to implement a method that comprises:

- reading an identification tag that comprises an instruction to form a logical connection with a computing device;

- determining whether a link key database includes a link key associated with the computing device;

- if the link key database includes the link key, establishing a logical connection with the computing device using address information associated with the computing device and the link key;

- if the link key database does not include the link key:

- establishing a logical connection with the computing device using address information associated with the computing device, wherein the computing device enters a PIN for authentication, and wherein the link key is generated; and

- storing the link key in the link key database;

- obtaining data; and

- transmitting the data to the computing device via the logical connection.

As discussed above, Klein does not disclose "reading an identification tag that comprises an instruction to form a logical connection with a computing device," as recited in claim 40. Klein also does not disclose "establishing a logical connection with the computing device," as recited in claim 40. Accordingly, Applicants respectfully request that the rejection of claim 40 be withdrawn.

Claims 41-45 depend either directly or indirectly from claim 40. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn for at least the same reasons as those presented above in connection with claim 40.

Claim 46 is directed to a method that is implemented by an identification tag reader. The claimed method comprises:

reading an identification tag that comprises an instruction to form a logical connection with a computing device;

determining whether a link key database includes a link key associated with the computing device;

if the link key database includes the link key, establishing a logical connection with the computing device using address information associated with the computing device and the link key;

if the link key database does not include the link key:

establishing a logical connection with the computing device using address information associated with the computing device, wherein the computing device enters a PIN for authentication, and wherein the link key is generated; and

storing the link key in the link key database;

obtaining data; and

transmitting the data to the computing device via the logical connection.

As discussed above, Klein does not disclose "reading an identification tag that comprises an instruction to form a logical connection with a computing device," as recited in claim 46. Klein also does not disclose "establishing a logical connection with the computing device," as recited in claim 46. Accordingly, Applicants respectfully request that the rejection of claim 46 be withdrawn.

Claims 47-51 depend either directly or indirectly from claim 46. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn for at least the same reasons as those presented above in connection with claim 46.

C. Rejection of Claims 4, 5, 21 and 22 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 4, 5, 21 and 22 under 35 U.S.C. § 103(a) based on Klein. This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from Klein. Klein does not teach or suggest all of the limitations in these claims.

Claims 4 and 5 depend from claim 1. As discussed above, Klein does not teach or suggest "reading a first identification tag that comprises an instruction to form a logical connection with a computing device," as recited in claim 1. Klein also does not teach or suggest "form[ing] the logical connection with the computing device in accordance with the instruction," as recited in claim 1. Accordingly, Applicants respectfully request that the rejection of claims 4 and 5 be withdrawn.

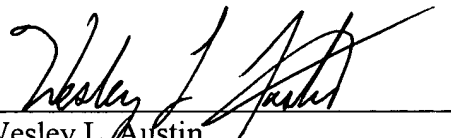
Claims 21 and 22 depend from claim 18. As discussed above, Klein does not teach or suggest "reading a first identification tag that comprises an instruction to form a logical connection with a computing device," as recited in claim 18. Klein also does not teach or suggest "form[ing] the logical connection with the computing device in accordance with the instruction," as recited in claim 18. Accordingly, Applicants respectfully request that the rejection of claims 21 and 22 be withdrawn.

Appl. No. 10/761,573
Amdt. dated December 20, 2005
Reply to Office Action of September 21, 2005

D. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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